

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KATHLEEN BISBEE,

Plaintiff,

vs.

Civil No.

18-0731 SMV

**NANCY A. BERRYHILL, Acting
Commissioner of Social Security,**

Defendant.

**ORDER GRANTING STIPULATION TO AWARD OF ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Stipulation of Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (Doc. 24), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to her attorney in the amount of \$5,900.00. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575,580 (10th Cir. 1986).



HONORABLE STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE

SUBMITTED AND APPROVED BY

Filed Electronically 6/12/19

Michael D. Armstrong

Attorney for Plaintiff

Electronically Approved 6/12/19

Alexass Rea

Special Assistant United States Attorney